

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CRAIG A. CHILDRESS,

Plaintiff,

v.

ROBERT HILLIARD, WILLIAM PEYTON,

T Y BATES, DANALYN WILSON, C/O)

SAURBRUNN,

Defendants.

Case No. 3:12-cv-1230-JPG-DGW

**ORDER**

**WILKERSON, Magistrate Judge:**

Now pending before the Court is Amended Complaint filed by Plaintiff on December 15, 2015.

The claims made in Plaintiff's Second Amended Complaint is virtually identical to that made in the complaint screened by the Court, pursuant to 28 U.S.C. § 1915A, on June 18, 2015 (Doc. 35). Plaintiff adds one state law claim of intentional infliction of emotional distress, a claim related to his federal claim over which the Court can exercise supplemental jurisdiction. *See* 28 U.S.C. § 1367. Accordingly, the Court finds that Plaintiff has stated a claim. Any Defendant who has already entered an appearance shall file a responsive pleading by March 21, 2016. Pursuant to Federal Rule of Civil Procedure 4(c)(3), the United States Marshal shall effect service on new Defendants.

Accordingly, the Clerk of Court shall prepare for Defendants **WILLIAM PEYTON, ROBERT HILLIARD, DANALYN WILSON, and C/O SAURBRUNN #5905**: (1) Form 5 (Notice of a Lawsuit and Request to Waive Service of a Summons), and (2) Form 6 (Waiver of Service of Summons). The Clerk is **DIRECTED** to mail these forms, a copy of the complaint, and

this Memorandum and Order to the Defendants' place of employment, the Big Muddy River Correctional Center. If Defendants fail to sign and return the Waiver of Service of Summons (Form 6) to the Clerk within 30 days from the date the forms were sent, the Clerk shall take appropriate steps to effect formal service on Defendants, and the Court will require that the respective Defendant pay the full costs of formal service, to the extent authorized by the Federal Rules of Civil Procedure.

If a Defendant no longer can be found at the Big Muddy Correctional Center, the employer shall furnish the Clerk with the Defendant's current work address, or, if not known, the Defendant's last-known address. This information shall be used only for sending the forms as directed above or for formally effecting service. Any documentation of the address shall be retained only by the Clerk. Address information shall not be maintained in the court file or disclosed by the Clerk.

**IT IS SO ORDERED.**

**DATED: March 9, 2016**



**DONALD G. WILKERSON**  
**United States Magistrate Judge**